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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,024	08/04/2003	Winthrop D. Childers	10971935-17	5804

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EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,024	Applicant(s) CHILDERS ET AL.	
	Examiner Anh T.N. Vo	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-51 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL REJECTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/06 has been entered.

The rejection under the judicially created doctrine of obviousness-type double patenting over US Pat. number 6,322,205 and US Pat. 6,619,789 is withdrawn in view of the Terminal Disclaimer filed 2/28/06.

The rejection over Hillman et al (US 5,365,312) is withdrawn in view of the amendments to the claims.

Claims Rejections

Claim Rejections -35 USC 112

Claims 39-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction clarification is required.

In claim 39, it is not understood how the ink container can “miss” a memory device.

In claim 43, the recitation “information” on line 6 and “memory device” on line 8 is confusing because it is unclear if these are additional “information” and “memory device” or further recitation of the previously claimed “information” on line 3 and “memory device” on line 3.

The remaining claims are dependent from claim 43 therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 41 are rejected under 35 USC 102 (e) as being anticipated by Fujii (US 5,980,030)

As the best construed, Fujii discloses in Figures 1-5 a printing device comprising:

- an ink container (1) missing a memory device;
- a signal source (memory 33) being separate and not coupled to the ink container(1) and connected to a controller (32) by flexible cable (data bus 31); and
- Wherein the ink reservoir (1) containing the replacement ink and the ink reservoir remotely located from the replacement source of signals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-51 are rejected under 35 USC 103 (a) as being unpatentable by Bullock et al (US 5,812,156) in view of Fujii (US 5,980,030).

Bullock et al discloses in Figures 1A-5 a printing device comprising:

- a controller (35);
- a first ink supply (12);
- a replacement ink supply (20);
- a signal source or a memory (16) separate from and not coupled to an ink reservoir (26) of the replacement ink supply (20) for exchanging information with the controller (35) (see column 4 and Figure 1B);
- an inherent flexible bus cable (not shown) for connecting the signal source (16) to the controller (35) (Figure 5, column 3, lines 64-68);
- wherein the controller (35) includes an inherent connector for providing a connection of the inherent flexible bus cable between the controller (35) and the signal source (16);
- wherein the information contain in the memory (16) including an information interpreted as an ink volume, see column 4, and having a write portion which is updated by controller (35) (column 6, lines 1-10); and
- wherein an inherent fluid outlet (50) in communication with an ink inlet (44) of the ink container (26) .

However, Bullock et al does not disclose that the replacement ink supply (20) does not have a memory device coupled thereto.

Fujii suggests in Figures 1A-5 a printing device comprising an ink cartridge (1) which does not have a memory coupled thereto for continuing operation without human attendance (column 1, lines 29-32).


It would have been obvious to a person having skill in the art at the time the invention was made to employ the ink cartridge without a memory coupled thereto as suggested by Fujii in the printing device of Bullock et al for the purpose of continuing operation without human attendance.

Response to Applicant's Arguments

The applicant argues at page 6 of the amendment that the memory of Bullock et al are coupled to the ink container so as such fail to disclose the claimed limitation "an electrical source separate from and not coupled to the ink container for exchanging information with the controller". The arguments are not persuasive because this limitation is suggested by Fujii as stated above.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (571) 273-8300.


ANH T.N. VO
PRIMARY EXAMINER

April 2, 2006